

SOCIAL ACTION

OUR HERITAGE OF FREEDOM

by

Helen Marston
Beardsley



They will be

done on earth



B. H. WHITE

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CONTENTS

THE AMERICAN DREAM, <i>by Dwight J. Bradley</i> . . .	3
OUR HERITAGE OF FREEDOM, <i>by Helen M. Beardsley</i> .	5
Our Challenged Heritage	5
Let Us Cherish Our Freedom	8
When Freedom Falters	12
Freedom and the Public Safety	13
Today's Attacks Upon Our Liberties	16
How One City is Regaining Its Liberties	33
Winning Freedom In Our Time	35
We Must Act	38

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THE AMERICAN DREAM

There is an old infection loose again in the world. Another epidemic is spreading. Entire nations have fallen victim of the fever. The bacteria of tyranny are incubating even in our own land. The newest name for the disease is a seven-syllable word, "totalitarianism."

We in our country have a tradition, the product of more than 150 years of history. It has certain watchwords or slogans. One is, "Give me liberty or give me death." Another, "Government of the people, for the people and by the people." And another, "Eternal vigilance is the price of liberty."

We also have a roster of heroes. We have George Washington, Benjamin Franklin, Thomas Jefferson, Abraham Lincoln, Theodore Roosevelt, Woodrow Wilson and Justice Oliver Wendell Holmes.

We have a galaxy of epic writers, Edward Everett Hale, John Greenleaf Whittier, Walt Whitman, Ralph Waldo Emerson, Henry David Thoreau, Carl Sandburg, and Katherine Lee Bates.

We have a gallery of saints—Carl Schurz, Mary Lyon, Jacob Riis, Frances Willard, Booker T. Washington, Jane Addams, Graham Taylor and Carrie Chapman Catt.

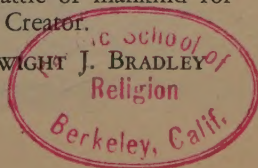
All in all, we have what James Truslow Adams has called, "The American Dream." All these heroes, all these epic writers, all these indigenous saints, have helped to create this American Dream. It is related to an even grander vision—a vision of the world united in a democratic brotherhood.

So, the Church has a part in it too. For the grand vision of a world united in democratic brotherhood draws upon the transcendent Christian conception of the coming City of God. In so far, therefore, as the American Dream approaches in any measure a right conception of the City of God, the Christian Church is under a deep spiritual obligation to help maintain it, clarify it and actualize it in private and public affairs. But in order to do this it is necessary to work diligently at all times to preserve and to extend the democratic liberties without which the grand vision must needs inevitably change into a frightful nightmare.

We therefore submit this issue of SOCIAL ACTION to the thoughtful criticism of Christian churchmen and of all who cherish the quality of The American Dream.

If your judgment be favorable, will you not help to make our publication available to many others who may be fortified and encouraged to carry on with unflagging spirit this endless battle of mankind for the freedom with which we were endowed by our Creator.

—DWIGHT J. BRADLEY





CHRISTENING THE LIBERTY TREE.

Our Heritage of Freedom

A DISCUSSION OF OUR CIVIL LIBERTIES

By Helen Marston Beardsley

I. OUR CHALLENGED HERITAGE

Our heritage is clear. John Milton described our Anglo-Saxon aspiration in a few words, "Give me the liberty to know, to utter, and to argue freely according to conscience above all liberties." Conscience is above the decrees of kings or dictators.

The spirit of freedom and of democracy in the western world has three primary sources—the Greek City-State with its ideal of voluntary cooperation for the common good, the teachings of Jesus with their emphasis upon the worth of the individual and the forest meetings of the early Teutonic tribes. Our American heritage is rooted in these sources. It has been "molded in men's minds by centuries of conflict."

Today our heritage is challenged from without and from within and it is time that we return to the study and the defense of its eternal values.

The Anglo-Saxon tradition is confronted by the protagonists of new totalitarian orders. "The body of liberty is dead," says Benito Mussolini, "and her corpse already putrescent." Mussolini and Hitler have gone far towards proving that liberty can die.

Our heritage of freedom is threatened from within our land. George Russell (A.E.) says that "a man becomes the image of the thing he hates." Current proposals in Congress and elsewhere to place a ban on the freedom of opinion hostile to democracy are a threat to American institutions. We are being prepared for repression in the name of liberty.

It is a time for the restudy of the Declaration of Independence. That document reflected the thought of English and French philosophers, but its principles were forged in the experience of the colonists. The passengers on the *Mayflower*

sought government "by common consent." The American frontier experience taught former gentleman and peasant that "governments derive their just powers from the consent of the governed" and that all are equal in their right to life, liberty and happiness.

"We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

—From the *Declaration of Independence*

It is a time for a restudy of the Constitution, without neglect of the Bill of Rights—the ten amendments added to reinforce our national stand for freedom. Here is what a great constitutional lawyer, Zechariah Chafee, Jr. of Harvard, says of the first amendment:

"If there was one thing which the first amendment was meant by our ancestors to protect, it was criticism of the existing form of government and advocacy of change, the kind of criticism which George the Third's judges punished." And, "If Americanism means anything, it means free speech right from the start."

The first amendment guaranteed freedom to advocate foolish as well as sound doctrine. The sponsors of the Bill of Rights believed in the vindicating power of truth. They believed in the reasonableness of the ordinary man.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

From the beginning, the Bill of Rights was liberally interpreted. Words alone were not punishable; only when acts fol-

lowed could the speaker be held responsible. "It is time enough," said Thomas Jefferson, "for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order."

The Supreme Court, after sustaining the latter quotation from Jefferson as "an authoritative declaration of the scope and effect of the amendment thus secured" (the first amendment to the Constitution) said: "Congress was deprived of all legislative power over mere opinion, but was left free to reach actions which were in violation of social duties or subversive of order." (Reynolds v. the United States, 98 U.S. 163.)

Americans intent upon preserving our national heritage will read again those other amendments which guarantee security against "unreasonable searches and seizures," against excessive bail, fines, and "cruel and unusual punishments"; which assure "a speedy and public trial, by an impartial jury," with other safeguards to ensure fairness; and which provide that no person "shall be deprived of life, liberty, or property, without due process of law," and that "no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

They will turn again to the sober counsel of Thomas Jefferson,

"If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments to the safety with which error of opinion may be tolerated where reason is left free to combat it."

(From the Inaugural Address of 1801)

Our heritage of freedom is imperilled. We have grown up with the idea that this was a "free country". We sang about it in school and assumed that liberty had been securely won. With age we learned that there was still much to do. But we were confident. We never questioned our goal of freedom and equal opportunity. We believed that the free mind was the characteristic of the educated person in the modern world.

Today our easy assumptions and our deeply-rooted beliefs

are confronted by new and arrogant ideas. Much of the world lives under governments where freedom of speech and of assemblage is limited; where the press is controlled and where education is dominated by the state; where to follow conscience means persecution.

Governments have often sought to suppress opinion; none with the efficiency of the modern dictatorships which, using all the media of propaganda, have in the words of Dean Inge "arrogated to themselves a power over men's minds unprecedented in history."

Our liberties are on trial. We have the chance to prove Mussolini wrong, to show that the body of liberty is not dead, to give evidence that the people through the free exercise of their democratic genius can find a way out of poverty, unemployment, and international chaos, and that they need no dictator.

Liberty is in danger—our liberty, our children's liberty. Let us reassess the values upon which liberty rests. Let us face unhesitatingly the areas in American life in which the specific guarantees of the Constitution are being infringed. Let us inquire what we can do to preserve and to increase our hard won civil rights.

II. LET US CHERISH OUR FREEDOM

Our forefathers often expressed their faith in freedom as a "natural right." The modern emphasis is upon the *social value of freedom*. "This means," says F. Ernest Johnson, "that liberty is to be defended not as an inherent right which a man may maintain over against the claims of society but as a function of incalculable value to society itself."

As a social value freedom matters profoundly. Not freedom in the abstract but freedom specifically applied. The constitutional guarantees of unfettered religion, speech, press, and assemblage are vital to a society in which industry, agriculture and propaganda tend toward monopoly control, more vital perhaps than in the days when men owned their farms and their tools and had never heard of modern advertising.

We believe that free speech, press and assemblage are essential to *the security of our Republic*. Democracy confers the power of choice. Wise choice must be based on adequate knowledge of the facts. Such knowledge means free discussion, analysis, criticism. It means the multiplication of non-partisan forums in which faithful adherence to the tradition of freedom can be upheld. Only through the interplay of conflicting ideas can we dare make up our minds on public issues.

For a nation as for an individual change and life are inseparable. If we would preserve the values of the past through peaceful change, and if we would have change bring a greater measure of justice, we must safeguard free discussion.

The emphasis upon freedom of speech as a measure of national security has impressive backers.

Here is the testimony of the late Justice Oliver Wendell Holmes:

"If there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought—not free thought for those who agree with us but freedom for the thought that we hate." (U.S. v. Schwimmer, 1928)

John W. Studebaker, United States Commissioner of Education and one of the leading exponents of the Open Forum movement, says:

"Democracy is a technique by which the will of the majority becomes law, and by which the right of the minority to attempt to become the majority by peaceful means is scrupulously protected."

Abraham Lincoln told his countrymen many years ago:

"The seed of revolution is repression."

We look to the safeguarding of our freedom as part of *"the adventure of civilization."* Freedom of expression is as essential to the progress of society as it is necessary to the functioning of a responsive and stable government. In the words of John Stuart Mill, the case for liberty is "grounded on the permanent interests of man as a progressive being."

Truth is won by men who are free to follow it wherever it may lead. Creative thought and art bloom only in an atmos-

phere of freedom. We cannot look for new truth from the universities of Germany where books are burned and men of genius persecuted. Hitler urges his teachers "not to seek out objective truth in so far as it may favorable to others, but uninterruptedly to serve one's own truth."

It is the function of the university to protect freedom of research and teaching that new truth may be discovered. It is the duty of the teacher to strive for the fullest possible development of his students, to cultivate in them qualities which will make them mentally and spiritually independent, to teach them not merely the ideals of today but to prepare them to make the ideals of tomorrow.

Samuel P. Capen, President of the University of Buffalo, emphasizes this approach:

"The quest (for truth) is nearly always futile if the inquiry is circumscribed in advance. The search for truth inevitably leads one far from his starting point. . . . The truth when found—if it concerns the cherished beliefs and habits of society—is almost certain to be unpalatable. . . . If the investigator is not suppressed, criticism of his findings leads to the uncovering of new evidence, to the disclosure of any errors in his procedure or conclusions, to ultimate refutation or to proof. And what is proved beyond dispute becomes part of the world's store of knowledge. It is in this way, and in this way only, that man's understanding of the universe has advanced through the ages."

Freedom of expression is "*the air of the Spirit*" in which the individual and society progresses. Those who surrender their minds and consciences to the state lose something of the dignity of thinking beings. Among the tragedies of today are the men and women who dare not speak out. Such are the ethnologists who teach the new racial mythology in German universities.

Not many of us are heroically built. Would we for the sake of integrity choose the concentration camp for ourselves and possibly for our families if our constitutional liberties were lost?

"The men who won our independence believed that the final end of the State was to make men free to develop their faculties." Philosophy and religion teach us that the purpose



June 7, 1938, New York World-Telegram

THE WAYFARER STOPS TO READ A SIGN

of living is growth. Beneath the demand for freedom is the respect for the individual personality which Jesus made the center of his gospel.

Thus the values upon which our belief in freedom rests are the values of orderly government, of peaceful progress, of the discovery of truth, of the development of human personality.

Chief Justice Charles Evans Hughes clarifies the principle:

"When one's belief collides with the power of the State, the latter is supreme within its sphere and submission or punishment follows. But, in the forum of conscience, duty to a moral power higher than the State has always been maintained." (U.S. v. Macintosh, 1931)

C. E. M. Joad says:

"Its denial is a denial of all that makes life worth living so that the prisoner cries out for liberty and again for liberty, as the lungs of a man who is choking cry out for air. Liberty, indeed, is the air of the spirit."

Martin Luther at the Diet of Worms, challenging the power of Pope and Emperor:

"Here I stand. I cannot do otherwise. God help me. Amen!"

And Jesus:

"God is a Spirit: and they that worship him must worship him in Spirit and in truth."

"Ye shall know the truth and the truth shall make you free."

III. WHEN FREEDOM FALTERS

The great testing time for freedom is wartime. The United States Supreme Court, in dealing with a Civil War dissenter in 1866, gave a decision which sought to apply constitutional principles to such dissent. Said the court:

"The constitution of the United States is a law for rulers and people equally, in war and in peace, and covers with the shield of its protection all classes of men at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism."

(Ex parte Milligan, 1866)

Nevertheless, during the World War and in the years following the armistice, the Supreme Court convicted pacifists and socialists for violation of the espionage law, making criminal the expression of conscientious objection to war. Even Oliver Wendell Holmes, in his opinion for the unanimous court in 1918, sustained the imprisonment of Eugene V. Debs, not on the basis of a "clear and present danger" but because of the "natural tendency and reasonably probable effect" of a speech of Debs. In several important wartime decisions, however, Justices Holmes and Brandeis joined in dissenting opinions, on the grounds that no "clear and present danger" existed.

The original Espionage Act of 1917, had it been strictly interpreted, would have punished only words or acts intended to interfere with the military forces or to obstruct recruiting. However, as it was used by the lower courts, any criticism of the war became a crime. Persons were punished for saying that "war is un-Christian," that "we went into the war to save our loans," and (under the Minnesota law) that "No soldier ever sees these socks."

As war hysteria grew, nine additional clauses were added to the Espionage Act, called the Sedition Act of 1918. These made abusive language, or language intended to cause contempt of the government, Constitution, flag, or the uniform of the military forces, a crime, and clearly opened the way for the prosecution of any opinion which seemed unpatriotic to spy-hunting local authorities. There has been nothing in our history similar to this Act of 1918 except the Sedition laws of 1798 which were declared unconstitutional by Jefferson and repudiated by an indignant people, Congress repaying all the fines exacted under them. According to Professor Chafee, the 1917-18 prosecutions "break with a great tradition of English and American law."

The theory behind this wartime suppression of constitutional rights was that in time of national danger the freedom of the individual to speak must be sacrificed to the safety of the many. Those who hold the Jeffersonian doctrine, however, believe that the danger of permitting an entering wedge against freedom of speech is greater than any possible danger from such freedom, even in wartime.

IV. FREEDOM AND THE PUBLIC SAFETY

The insistence upon the right of free speech and assemblage and of a free press is in the interest of social as well as individual well-being. Of course, such freedom involves risks. The suppression of such freedom involves greater risks. Professor Zechariah Chafee says that there are "two very important *social*

interests, public safety and the search for truth, and a wise government will recognize that knowledge of truth is often a part of public safety."

An instance may be cited in support of Professor Chafee's contention. There was an airplane scandal during the great war. It was promptly hushed. Only whispers reached the public. What would free discussion have accomplished in that emergency? What were the facts? The United States spent more than a billion dollars for aviation during the war, yet few planes reached the front before the Armistice. Those that did were so constructed that their fuel tanks offered an easy target to the enemy. Fatalities for hours flown in these planes called "flaming coffins" were three times as great as those of British and Belgian aviators. After the war Charles Evans Hughes, now Chief Justice, made a report showing that the man who gave the contracts for these planes was largely interested in companies which controlled the ignition system used in the motor.

That airplane "incident" gives point to this decision by Judge Charles F. Amidon of the United States District Court of North Dakota:

"The framers of the First Amendment knew that the right to criticism might weaken the support of the government in a time of war. They apprehended the value of a united people at such a time. They were men who had experienced all those things in the war of the Revolution, and yet they knew that the republic which they were founding could not live unless the right of free speech and of freedom of the press was maintained at such a time. They balanced these considerations and then wrote the First Amendment."

Freedom involves risks. Of course it does. Those risks are emphasized by all who would curb free expression in the interests of public safety—or for private gain.

"I believe in free speech for everyone except Communists and Nazis. They wouldn't give it to us in their countries." (Frequent comment of a "good American".)

"Sure, we believe in free speech the same as you do, but these fellows talk Mexican and we can't tell what they're going to say," the justification of a California sheriff for violently breaking up meetings of Mexican field workers.

There have been inevitable modifications in the Jeffersonian doctrine that "error of opinion may be safely tolerated" and that words without deeds are never punishable. Some of these modifications have had the support of eminent jurists. Mr. Justice Brandeis ruled in 1927, "Although the rights of free speech and assembly are fundamental, they are not in their nature absolute." (*Whitney v. California*) Laws exist for the punishment of indecent and libelous speech since it is recognized that the harm of such speech is done by the speech itself, not by some act which may or may not follow. Mr. Justice Holmes cites such an instance, "The most stringent protection of free speech would not protect a man in falsely shouting 'fire' in a theater and causing a panic." From this common sense basis he built the "clear and present danger" doctrine which, although it establishes a line beyond which free speech may not go, effectively strengthens the practical application of the guarantee of free speech. The doctrine, first enunciated in 1918 and disregarded by the Court in 1926, has been upheld in several recent Supreme Court decisions, notably that of Angelo Herndon whose sentence of twenty years on the Georgia chain gang, for having in his possession pamphlets on communism, the Court reversed in 1935. "The question in every case," wrote Justice Holmes, "is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree." (*Schenck v. U. S.*, 1918)

The rigor of this test is shown in the following interpretation of it by Justice Brandeis:

"Fear of serious injury cannot alone justify suppression of free speech and assembly. Men feared witches and burnt women. It is the function of speech to free men from the bondage of irrational

fears. . . . Those who won our independence by revolution were not cowards. They did not fear political change. They did not exalt order at the cost of liberty. To courageous, self-reliant men, with confidence in the power of free and fearless reasoning applied through the processes of popular government, no danger flowing from speech can be deemed clear and present, unless the incidence of the evil apprehended is so imminent that it may befall before there is opportunity for full discussion. . . . Moreover, even imminent danger cannot justify resort to prohibition of these functions essential to effective democracy, unless the evil apprehended is relatively serious. Prohibition of free speech and assembly is a measure so stringent that it would be inappropriate as the means for averting a relatively trivial harm to society. . . . The fact that speech is likely to result in some violence or in destruction of property is not enough to justify its suppression. There must be the probability of serious injury to the State. . . ." (Whitney v. California, 1927)

V. TODAY'S ATTACKS UPON OUR LIBERTIES

Few readers of this article have known interference with their right to say what they please. Few church people have experienced physical violence at the hands of police or a mob. But there are many less fortunate citizens of our Republic. It is their experience which requires the attention of all lovers of freedom.

After what was probably the first six months of our history without a lynching, two Negroes were lynched in one week of July, 1938, one an elderly man who was shot and burned while still alive.

In Chicago on Memorial Day, 1937, strike demonstrators at the Republic Steel plant were attacked by the police with gas and guns. Ten strikers were killed and more than one hundred injured. According to testimony taken by the Senate Investigating Committee, of the forty persons shot, twenty-seven received their wounds in the back, nine in the side, and four in front. Police injuries consisted of bruises and lacerations.

In Jersey City where, until recent court decisions, no organ-

ization could hold a meeting unless approved by the mayor, respected "outsiders," including Norman Thomas, were deported with violence by the police, assisted by men with penitentiary records, for testing their right of free speech.

The investigation by the Department of Justice in Harlan County, Kentucky, has made public a long history of terror against coal miners. Meanwhile, four union leaders of Harlan County are serving life imprisonment although the evidence in the opinion of many objective observers indicates a frame-up.

Sometimes court decisions baffle one's sense of justice. The five Tampa policemen charged with the murder of Joseph Shoemaker were recently acquitted. Shoemaker, who had



Senate Investigating Committee Hearings

"The Chicago Memorial Day Incident."

formed a liberal Democratic group to help the unemployed in Tampa, Florida, was arrested, taken into the country, flogged, burned, and covered with boiling tar. He died nine days later. This was in 1935. No one has been punished.

In New Mexico, sentences of forty-five to sixty years have been sustained in the case of two miners because they were present at a riot in 1935 in which a sheriff and a miner were killed. There was evidence that the sheriff was accidentally killed from cross-fire by a deputy sheriff. The policy accused the dead striker. Under an old statute permitting the arrest of anyone present at a fatal riot, more than six hundred miners were originally arrested.

Tom Mooney spent more than twenty-two years in California prisons, on a conviction secured by perjured evidence according to the report made by the Wickersham Commission appointed by President Hoover. Belated justice came with the pardon by Governor Olson in early 1939.

In Nevada County, California, in January, 1938, two hundred striking gold miners were beaten and gassed and finally run out of the county by highway patrolmen and vigilantes.

Mayor Frank Hague of Jersey City serves as the perfect spokesman for all who would thus betray the American heritage of freedom. In his heyday Hague said:

'As long as I am Mayor of this city, the great industries of the city are secure. We hear about constitutional rights, free speech and the free press. Every time I hear these words I say to myself 'that man is a Red, that man is a Communist.' You never hear a real American talk in that manner.'

The attacks upon the constitutional rights of our citizens fall into five chief groups.

1. Attacks upon unpopular political minorities.

For twenty years certain groups have broken up Communist meetings in the name of the Constitution. More recently, this zeal has been more commonly directed at Nazi meetings. Wise Americanism will permit full freedom of speech to both Com-

munists and Nazis, although it will forbid armed military drill by private groups, such as has been attributed to branches of the German-American Bund.

Besides silencing Communists and Nazis, zealous patriots occasionally find unusual political minorities to suppress. In one of the southern states a man was arrested for advocating a monarchy. The American Civil Liberties Union telegraphed that it would defend him in court, adding, "By the way, whom have you in mind for king?"

2. Attacks upon Racial Minorities.

Denial of the civil rights of Negroes, including the right to vote and the right to a jury of their peers, is a persistent violation of constitutional liberty. Nor should we forget that, in the past fifty-six years, 5,105 persons have met violent death at the hands of lawless mobs in our United States.

Anti-Semitism is growing. This unhappy sin against man is stupid, un-American, un-Christian. The country is flooded with anti-Jewish material that is both vicious and ignorant. Hand-bills recently dropped from a plane over Los Angeles referred to Jews as "vultures" and as "the most deadly persecutors of men."

The head of the German-American Bund, when asked by a judge in New York how he reconciled the anti-Jewish program of his organization with the American ideal of equal opportunity for all men, is said to have replied: "There is no inconsistency because for us the Jew is not a man."

Surely it is not easy to tolerate the expression of an idea so repugnant as this. Not to be forgotten now, however, are these words of Justice Holmes:

"I think that we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death, unless they so imminently threaten immediate interference with the lawful and pressing purposes of the law that an immediate check is required to save the country."

3. *The varieties of Censorship.*

The censors are at work, opening and closing the various lanes for transmission of ideas—books, magazines, mail, the theater, the moving picture, the radio and the press. A serious aspect of censorship is that so few know when it exists, and how it works.

The crux of the problem is, of course, who shall be the censor. In the *Areopagitica*, published illegally in 1644, Milton shows that inevitably the licenser, "who is made judge to sit upon the birth and death of books," tends to be a person of inferior capacity for appreciation since the profession is one which no one who "values time, and his own studies, or is but of a sensible nostril, should be able to endure." In Boston today the police review in advance all magazines sold on news-stands, removing those objectionable to "police morality."

The screen is censored

We have much sympathy with the Catholic Legion of Decency in its campaign to eliminate indecency from the moving picture industry by boycotting objectionable pictures. Less desirable is the pressure brought upon State Boards of Censorship (there are seven of these) and upon local police to ban such films as "Spanish Earth" and "Blockade" as favoring the Spanish Loyalist cause, and an educational film like "Birth of a Baby." Of course, these and many other films are inappropriate for children, but place must be made for pictures for the social education of adults.

The difficulty of using this greatest medium which has been developed for the transmission of ideas *for ideas*, and not merely as a means by which people escape from reality, is shown by the fact that the producers have been reluctant to permit anything in their pictures to which a dictator could object, lest their pictures be excluded from any country.

One of the encouraging developments is the growth of a rebellious spirit among some of the writers and artists in Hollywood. As one of them recently declared publicly: "At this par-

ticular crisis in the world's history are we to go on manufacturing drugs? We can't do it!"

The radio is censored

A similar problem arises in regard to radio censorship. Local station managers, afraid of controversial issues, often refuse to sell time either to labor unions or to employers' associations. The latter, however, present their point of view through commercial programs of enormous popularity.

This voice which invades our homes and inevitably influences our thinking is becoming a constantly more effective weapon for propaganda. We are at all times in danger from "the crime of psychological assault." (Joad)

Under a dictatorship the radio is the voice of the dictator. Democracies must experiment with it as a new challenge to their ability to curb unfair control of the instrument of education. Great Britain has government control of radio under a commission of persons of varying points of view. Our Federal Communications Commission is forbidden by law to exercise censorship over programs, in the belief that it is safer to leave that duty to public opinion than to entrust it to any group of men.

The traditional American spirit of free speech must govern our handling of the radio. The air waves must be kept open to free discussion. A beginning might be made by the passage of companion bills which have been introduced into the Senate and the House, which provide that all radio stations shall be required to set aside desirable time for the presentation of public issues without cost, in return for the free franchise granted them by the government; and that, whenever a station puts on one side of a controversial issue, at least one other side shall be given equal opportunity.

Here again we may well return to John Milton:

"And though all the winds of doctrine were let loose to play upon the earth, so truth were in the field, we do injuriously by licensing and prohibiting to misdoubt her strength. Let her and

falsehood grapple; whoever knew truth put to the worse, in a free and open encounter?" (*Areopagitica*)

The Press is also censored

A vital test of the power of the courts to punish newspapers for contempt of court is on its way to the Supreme Court as this is written. The *Los Angeles Times*, powerful pillar of conservatism, is appealing from a judgment for commenting editorially upon cases in which persons convicted of crime were awaiting sentence. The *Times* had expressed vigorous opposition to the granting of probation to the defendants.

The statutory law of California specifically forbids the courts to punish such acts of "constructive contempt." But the Supreme Court of the state had held that statute unconstitutional on the ground that it conflicted with the "inherent power" of the courts to punish for contempt. The trial judge was not impressed by the argument of counsel for the American Civil Liberties Union, appearing as a "friend of the court," that the court should not interfere in the absence of "clear and present danger" that the editorials would influence the judge and impede the orderly administration of justice. Lawyers prosecuting the proceedings for the Los Angeles Bar Association argued that a "timid, weak or spineless judge" might yield to editorial pressure.

The trial judge ruled that the right of the court to punish for contempt is deeper and more important than the constitutional right of freedom of the press. The issue is thus made clear, and the Supreme Court of the United States, in the present case or another, will probably determine it.

An important decision in the history of freedom of the press was one in which the Supreme Court declared a state law unconstitutional as an infringement of the liberty of the press as guaranteed by the first and fourteenth amendments. This was a Minnesota law passed to suppress a "malicious, scandalous and defamatory" sheet.

The decision followed the reasoning of a case in which the

Red Flag Law of California had been held unconstitutional. In this case, decided in 1931, the Court, for the first time in its history, held a state law unconstitutional because it violated freedom of speech. It is interesting that this case of an unknown Communist girl should have established the principle that a state must conform as Congress must to the principle that there can be "no law . . . abridging the freedom of speech or of the press."

The handbill

A humbler but exceedingly important aspect of freedom of the press is that which has to do with handbills. The dodger has always been the vehicle of expression of those who have no money to buy newspaper space or to rent halls. Even the very desirable objective of preventing the littering of streets and parks is less important than the safeguarding of this form of expression. Some cities have ordinances which forbid the circulation of handbills but which are only applied in the case of handbills that do not meet the favor of the city administration. In Los Angeles advertising material is constantly left at the door but a man was arrested recently for passing out dodgers at a public meeting, advertising a gathering in support of the sufferers in Loyalist Spain!

It should be clearly understood that the Supreme Court has ruled that, though a law itself may be constitutional, the discriminatory application of that law is not. This was established in the case of a Chinese laundryman named Yick Wo. A San Francisco ordinance forbade laundries in frame buildings but was applied in its enforcement only to Chinese laundries. When his case finally reached the Supreme Court of the United States, Yick Wo and not the city of San Francisco was sustained.

A Supreme Court decision of the spring of 1938, voiding laws requiring permits for the distribution of literature on public questions, points to the unconstitutionality of prohibiting handbill distribution and marks a step forward toward freedom of the press at its point of greatest restriction. This



"It says 'Unite Against Imperialist War and Fascism', Sarge—should I run him in or do we agree with him?"

Courtesy, A. Redfield and *Daily Worker*

was the Griffin, Georgia; ordinance. The decision, written by the Chief Justice, reviews the use of the pamphlet by Thomas Paine and the early American pamphleteers.

4. There are attempts to limit the freedom of the teacher.

In the years since the war more laws have been passed limiting freedom of teaching than in all the previous years of our history. That dismissals of teachers for expressing allegedly radical opinions have gradually lessened must be credited to the able investigations of such cases conducted by the National Education Association, the American Association of University Professors and other professional groups.

There is, however, a constant and almost universal pressure upon public school teachers to avoid saying in the classroom or outside it anything that might be construed as not conforming to professional standards of patriotism.

The pattern of control differs in the various states. In twenty-one states a special oath of loyalty to the Constitution is required of public school teachers; in twelve of these the law applies to private tax-exempt schools as well. Congress recently repealed the school oath law of the District of Columbia, called the "little Red Rider," under which even scrub women were required, before receiving their pay, to swear that they had not taught or advocated communism during the past month.

The teacher's duty is to think first of the maximum development of his students. The genuine teacher will stimulate independent thinking through material adapted to the age level of his students. Since the great majority of these do not go to college, it is in the lower schools that they must learn to study controversial issues with critical minds. Many a teacher of ten-year-olds who has practiced such discussion in her group knows how valuable it can be in developing intelligently patriotic attitudes. No teacher whose primary aim is creative thought will force his own ideas upon students; neither should he, if teaching mature students, be required to hide his own honest

thought. His students must have confidence in his sincerity and his disinterested devotion to the truth.

The fundamental weakness of the teachers' oath is that it was designed to induce conformity of thought and expression to the government and the economic system as they are now, and to eliminate from our great body of teachers those who believe that changes within the framework of the Constitution can and should be made for the welfare of the country. This has been proved repeatedly by the sponsorship of the oaths and by the interpretation given them.

It must not be forgotten that the schools in dictator countries have been among the first institutions to feel the iron hand of rigid control. The word education loses its meaning when teachers' oath laws are enforced. Such laws can never promote loyalty and they can destroy intellectual integrity.

The American Association of University Professors warns:

"If the students in any classroom reach the conclusion that their teacher is afraid to speak his whole mind or give his conscientious beliefs, the day of his influence over them is done."

Many other phases of coercive or repressive activity are found in the field of education: the attacks upon the organization of teachers, the disciplining of students for anti-war demonstrations, the required religious instruction in certain states, the attempt to inculcate patriotism by the compulsory salute to the flag. The salute to the flag may be a beautiful and meaningful ceremony. It cannot be such if it is made under compulsion or if it becomes part of a routine.

It is nine o'clock and the children in a California school are standing at attention to salute the flag. In the kindergarten group a five-year-old boy does not stretch out his arm or even pretend to mumble the difficult words. When directed to do so, he resolutely shakes his head. But he is very unhappy. Tomorrow he will be sent home from school.

He is only one of many children of members of the sect of "Jehovah's Witnesses" who are being expelled from school all over the United States because of their refusal to take part in

the flag ritual. "Jehovah's Witnesses" believe that they ought not to pledge allegiance to any earthly state but only to God. Ten years ago the authorities in the state of Washington took a nine-year-old boy from his parents, members of the similar "Elijah Voice Society," because they had taught him not to recognize "symbols of earthly power." Today many children of these conscientious people are deprived of a public school education because they exercise their constitutional right of religious freedom.

That the perils involved are genuine and that the challenge is a real one is attested by many thoughtful men.

James B. Conant, President of Harvard University, tells us:

"The clash of opinion is the essence of the social sciences. Only from continued debate can new vistas be opened. . . . Above all things, the different camps must be represented by vigorous champions; champions preoccupied not with maintaining the cause of their own particular orthodoxy, but with developing new values and new ideas from the heat of battle. From such clashes fly the sparks that ignite that enthusiasm in the students which drives them seriously to examine the questions raised. We must have our share of thoughtful rebels on our faculties. . . . The conflicting views must be brought in as close contact as possible; only thus can all sides be presented to the student and the true meaning of the phrase 'free inquiry' be made evident."

Charles A. Beard, the historian, writes:

"It seems that we have reached a point in American life where the maintenance of educational liberty can no longer be taken for granted. All over the country, schools are attacked by highly organized and well financed minorities that seek to browbeat Legislatures, the Congress of the United States, school boards and teachers. . . .

"The precious values of liberty and scientific inquiry are threatened with extinction, and with them the principles upon which democratic government rests."

5. Labor's rights are often denied.

In no area of our common life has there been more persistent denial of fundamental civil liberties than in the field of labor. No other involves the welfare of such great numbers or presents such a challenge to our democratic ideal.

The principles of civil liberty are often obscured in the face of new and complex labor situations. The rights of employers and employees, of union and non-union workers, present tangled questions.

Labor's long struggle to gain the right to bargain collectively through representatives of its own choosing has been established as a fundamental one. It was declared to be the public policy of the United States in the Norris-LaGuardia Anti-Injunction Bill passed in 1932, and it is this right which the National Labor Relations Board was established to ensure. While this is a legal and moral rather than a constitutional right, the constitutional rights of free speech, press and assemblage are inevitably involved in its exercise as in the exercise of the right to strike, also guaranteed in the Norris-LaGuardia Act.

When a strike inconveniences or threatens the prosperity and tranquillity of a community, citizens with no immediate stake in the controversy become fearful and, in their efforts to preserve security and order, forget the Bill of Rights.

In the San Pedro, California, dock strike of 1923, Upton Sinclair was arrested for attempting to read the Constitution on private property with the permission of the owner. In San Francisco during the maritime strike of 1934 vigilante bands went about wrecking workers' halls. At the Dearborn Ford plant in 1937 workers distributing union literature were seized by the company "service" squad, four men to a worker, and beaten against the pavement until maimed.

Police are often the worst offenders against civil liberties in labor cases. In Holly Grove, a coal mining hamlet in West Virginia, with bitter memories of strikes, the children play "state police" instead of "robber." In gold mining towns of Northern California and in the cotton fields of the Imperial Valley, the State Highway Patrol has often cooperated with vigilantes.

One meets the same problems of civil rights in the field of large scale agriculture as in the field of industrial labor. The

series of strikes of 1934 in the Imperial Valley illustrate nearly every type of violation of Constitutional liberties.

A Brawley, California, city ordinance forbade the holding of any meeting without a permit. As there was no record of permits ever having been issued, this was obviously a measure held in readiness to curb labor activity.

A meeting of Mexican strikers, their wives and children, held in a hall belonging to a Mexican, was broken up by police aided by the highway patrol. Tear gas bombs were thrown through the windows. A Valley newspaper estimated the number of police taking part as eighty. Only after the granting of a federal injunction against police interference and after a federal commission had been sent into the Valley to investigate the many instances of violence against workers and their lawyers (including the kidnaping of the lawyer who was carrying the injunction) was it possible to hold a meeting of strikers in Brawley. But kidnaping, assault upon workers and lawyers, and arrests without bookings continued. One lawyer, arrested upon reaching the Valley, was held in jail thirty-five days on a charge of vagrancy. Bail for "unlawful assembly" was set as high as \$3,100.00 in the case of two persons; vagrancy cases drew as high as \$1,000.00.

General Glassford, U.S.A. Retired, Federal mediator, summed up the situation in the summer of 1934:

"After more than two months of observation and investigation in Imperial Valley, it is my conviction that a group of growers have exploited a 'Communist' hysteria for the advancement of their own interests; that they have welcomed labor agitation which they could brand as 'Red,' as a means of sustaining supremacy by mob rule, thereby preserving what is so essential to their profits—*cheap labor*; that they have succeeded in drawing into their conspiracy certain county officials who have become the principal tools of their machine.

"Yours for the preservation of American institutions and ideals,

Pelham D. Glassford"

Picketing

Picketing is at the heart of the problem of conflicting rights in industrial relations. Continued attempts to curb labor by the drastic control of picketing form part of the present American scene.

Picketing is not always a labor activity. Catholics may picket moving pictures and housewives grocery stores. Picketing is carried on by persons who walk up and down on the sidewalk, carrying placards or, by spoken word, urging support of the pickets' cause. They would have the unquestioned right to advocate at a meeting or to print in a paper all and more than their placards show. Because they use the public sidewalk, their right is questioned.

Many California cities have restrictive ordinances. One recently adopted in Los Angeles prohibits all picketing except in case of a strike and then subject to such drastic conditions that effective picketing is impossible. Under these ordinances workers may not urge their fellow workers to join a union by picketing non-union shops. Strong unions may not help weak ones by picketing. Sympathetic members of the community may not thus show their moral support of a strike. Test cases of the Los Angeles ordinance are in the lower courts and will be carried to the United States Supreme Court for a decisive interpretation as to the constitutionality of restricting this form of freedom of expression.

A recent study of picketing by the executive board of the American Civil Liberties Union says:

"As far as constitutional principles are concerned, there is no difference between picketing in labor and other cases. The sharp limitation put by some courts on the right to picket by allowing picketing only where strikes exist finds no warrant in constitutional law. Whether employees picket because of a strike, a lock-out, or because they desire to unionize a plant, does not alter the fundamental nature of picketing. It still remains a form of free speech. . . .

"Neither the relative merits of the controversy nor the wisdom of picketing in any particular case should affect the fundamental

right of expression. If, however, the signs or language used by pickets are fraudulent or libelous, the picketing is properly subject to control by law.

"Picketing may further be properly controlled in the interest of the use of the highway for travel and for access to establishments. The right to use the highways and sidewalks for travel is fundamental.

"In regulating picketing the duty of the police and courts is not to banish pickets, but to create sufficient passageway for travel. At some places twenty pickets may be too many, at others several hundred may not be excessive.

"In support of these views on picketing the United States Supreme Court has recently ruled in a labor case, that there is nothing inherently objectionable in peaceful picketing, provided it is done without intimidation or coercion and free from fraud, violence, or breach of the peace.

"The Court significantly stated that:

"There is nothing in the Federal Constitution which forbids unions from competing with non-union concerns for customers by means of picketing as freely as one merchant competes with another merchant by means of advertisements in the press, by circulars or by his window displays."

"The Court further intimated that picketing is a form of 'free speech guaranteed by the Federal Constitution'."

Many believe that the abuses of picketing may be dealt with by existing laws punishing violence, intimidation and disturbance of the peace. The "flying squadron," a group of strikers who went from mill to mill, was a fleeting development of the textile strike of 1934. The "squadron" grew in size as the mills closed in response to their demands, and obviously employed a large element of intimidation through its numbers, although the crowds were unarmed. This practice did not receive the wholehearted support of labor. A quotation from a speech of Senator Wagner on the sit-down strike is also applicable to the "flying squadron," if and where it did overstep the bounds of legal picketing:

"What techniques will be approved by the law of the future no man in the world can say. I believe that today everyone should obey the law of today. . . . But in the current situation these all-important facts stand out above all others: The sit-down has been

used only in protest against repeated violations of industrial liberties which Congress has recognized. The sit-down . . . has succeeded in winning for labor only such industrial liberties as law and morals have long sanctioned. The sit-down has been provoked by the long-standing ruthless tactics of the few great corporations . . . who have systematically used spies and discharges and violence and terrorism to shatter the workers' liberties as defined by Congress, which they have neither the legal nor the moral right to do. The organized and calculated and coldblooded sit-down against Federal law has come, as always, not from the common people, but from a few great vested interests. The uprising of the common people has come, as always, only because of a breakdown in the ability of the law and our economic system to protect their rights."

The right of petition

While the sit-down strike in industry must, under existing law, be classed as a trespass,* sit-down demonstrations by the unemployed in relief stations or before legislatures, may raise the problem of civil rights. The first amendment guarantees the right of the people "peaceably to assemble and petition the government for a redress of grievances." These demonstrations are directed against public authorities and have to do with public policy. Disorderly conduct and unreasonable occupation which may interfere with essential public business, are of course not to be defended.

The "right to work"

Among the more difficult problems in the labor field are those involving the conflicting rights of workers. These occur between workers belonging to different unions and between union and non-union workers. Some see "dictatorship" in the procedure of the National Labor Relations Board in awarding the right of representation of all the workers in a given unit to the union elected by the majority. As long as the minority has

*In March, 1939, the United States Supreme Court decided that sit-down strikers were not entitled to be treated as employees, as are other strikers, because they had violated the property rights of the employers.

had the right freely to express its views, the American system of majority representation seems fair.

In any given situation one must also investigate the source of the "right to work" movement. During the strike in "little steel" in 1937, this slogan formed the basis of a flood of propaganda which made a subtle appeal to American public opinion. An investigation by the National Labor Relations Board showed that the mayor of a steel company town who headed the "citizens' committee" organizing the drive, had received \$25,000.00 from the steel company. The "Neutral Thousands," a movement among women in Southern California, has proved by its activities and its advocacy of the "independent" union that it is not in any real sense neutral.

VI. HOW ONE CITY IS REGAINING ITS LIBERTIES

The experience of Los Angeles

Is the struggle against these constant violations of civil liberty hopeless? Experience in Los Angeles, where an active fight has been carried on for fifteen years, indicates that it is not.

Until a few years ago suppression of civil liberties was the rule. Meetings of religious, pacifist, radical and other minority groups, were routed with guns, clubs and tear gas. The Plaza was the scene of many a riot brought on, not by citizens gathered for speech making, but by uniformed and plainclothes policemen. More than once this area was surrounded by six hundred officers. Heads were cracked, scores of individuals were jailed, thousands of citizens inconvenienced. Only a few of the victims were Communists, but after two of such conflicts, ten days apart, the Communists boasted they had gained three hundred new members in thirty days, more converts than they had achieved in thirty months before.

In 1931 a mass meeting was announced at Philharmonic Auditorium. Three or four Christian ministers and a Communist were to demand freedom for Tom Mooney and justice for striking coal miners in Harlan County, Kentucky. The

police were on hand to prevent the audience from gathering. Tear gas filled the air. Several people were severely injured. Hundreds of citizens driving by were sickened by the gas and abandoned their cars in flight. One passer-by commented that it served them all right for being on the streets when the police were disciplining the "Reds."

A Congregational clergyman, home from a trip to Russia, was prevented from speaking to an American Legion post.

At Polytechnic High School, where two thousand gathered in a meeting sponsored by the Friends of the Soviet Union, armed men turned off the lights and ordered that the hall be vacated.

This was Los Angeles. Not once was protection offered by the police force paid to preserve the peace and protect the rights of citizens. In most cases the police led the attack. The state courts repeatedly refused injunctions to prevent interference.

As a last recourse a proceeding was brought in the United States District Court, standing on the Bill of Rights alone and demanding that protection of rights granted by the Federal Constitution be given by a Federal Court. A restraining order was issued and a meeting held, despite the announcement that the police would prevent it. The "Red Squad" was merely bored while a retired Baptist minister spoke on war and peace.

With the Federal Courts decision as a precedent, the state courts fell into line, injunction after injunction was issued, and interference with the assembling of meetings was ended, for the time being at least, in Los Angeles. At a recent gathering William Z. Foster and Earl Browder advocated Communism, and nothing happened. The Better American Federation no longer publicly demands that clergymen whom it disapproves be "kicked out of their pulpits." The "Red Squad" is to be disbanded. The chief of police who has been in command through the years of suppression and violence is on his way out. Following the recall of Frank L. Shaw as mayor, amazing evidence

of bribery and corruption, masked by psuedo patriotism and Red-baiting has been revealed.

VII. WINNING FREEDOM IN OUR TIME

If there were war

The possibility of war presents the most imminent threat to our liberties today. It is becoming increasingly true that a state engaged in a modern war is necessarily a totalitarian state. And just as war and dictatorship go together, so do freedom and peace.

"In our modern world peace is found only where there is free cooperation for the common good. . . . The liberty of the human spirit is for us a basic value."*

During the last two sessions of Congress mobilization bills, which would furnish the blueprint for our regimentation have been introduced and defeated through the opposition of the American people. The Sheppard-Hill bill of 1937 threatened civil rights; the May bill of 1938 effectively surrendered these rights to the President upon the proclamation by Congress of any war, however small or remote. It gave him power to draft men and women, to fix prices and wages, to control and license business, and, in view of the following quotation from the bill, to radically alter the very form of our government:

"During such time of war he (the President) is authorized to make such temporary rearrangements and transfers of executive agencies, and bureaus and divisions thereof, and to transfer temporarily such duties, powers, functions, funds, and personnel as he may deem necessary for the conduct of such war."

The minority on the Military Affairs Committee of the House, Maverick, Henderson and Kvale, said, "The powers surrendered . . . can only be described as unlimited, enormous, and setting up a dictatorship in advance of a war." They call it "this tragic betrayal of the veteran" and declare that it would

*From statement of principles, Women's International League for Peace and Freedom.

guarantee war profits rather than prevent them. We must be ready to meet a similar bill in this session of Congress.

Insecurity

We have already said that freedom cannot survive unless democracies can solve the economic and international problems with which our civilization is beset.

Because it is a time of insecurity and social change, men are bewildered and they are fearful. Fear and bewilderment may make them cruel. Ordinarily humane men and women may countenance violent repression of minorities which they think menace their security. In lands where economic strain has been most acute there has been a revival of the kind of persecution which we thought the world had left behind in the dark ages.

Intolerance

Are we in the United States secure from such excesses? Men are very much the same everywhere, some more and some less disciplined. It is not reassuring to remember our record for lawlessness compared with that of other civilized nations. We have had our lynchings, our mobs that tar and feather and our Black Legion murders. In some cities the use of the "third degree" and other forms of violence by a ruthless police force have interfered with the just administration of the law.

England could have a general strike without a casualty. In the United States, the record for the first six months of 1937 reads: twenty-four strikers and sympathizers killed and 490 injured; one police officer killed and seventy officers injured; one non-striking worker killed, and thirty-one injured.

We have already mentioned the danger to liberty which arises from the possible cultivation of a mass mind through the control of such media as the radio and motion pictures. Although we enjoy political democracy we are a conforming, orthodox people who have not yet established an immunity to propaganda.

We are also an intolerant people, of all nations on earth, according to Everett Dean Martin, "the most obsessed with

regulatory ideas." Witness the fervor with which we proscribed anything that savored of German custom during the war.

In Vienna there used to be a frieze of national flags in stained glass over the entrance to a steamship company. These glass windows containing the flags of enemy nations were never disturbed during the years of the World War. That could hardly happen here. One wonders whether it can happen in Vienna today.

Before the rise of Hitler, Dr. Albert Einstein, in a conversation with friends in Los Angeles, said that if Russia and Italy were the only countries in which he might live, he would not want to live, because in those countries he would have no freedom.

Harold J. Laski of the University of London, says:

"The number of places where a man is free to think without let or hindrance narrows year by year. . . . No man can say with any assurance among what people, or for how long, the search for truth is destined to remain free. Unless we act now, while there remain oases in the vast desert men are making, it may tomorrow be too late.

"It is inconvenient, no doubt, but who ever knew a battle for freedom that took thought for our convenience? It is costly, also; but it is nothing to the cost that, in the long run, is the price of leaving intolerance unimpeded."

If we in the United States lose the liberties won for us by the suffering of the past, it will be because of our indifference. "The greatest menace to freedom," said Justice Brandeis, "is an inert people."



WE MUST ACT

1. It is essential that we educate ourselves and others for citizenship, by studying facts, by seeking to develop a sense of responsibility, by cultivating the reasonable and tolerant attitudes of truly civilized persons.
2. We must work for the economic security of our own people and those of other nations.
3. We must, as citizens, work for those measures which we believe will maintain international peace.
4. If we ourselves do not see violations of civil rights, we can read the reports of the American Civil Liberties Union, which for nearly twenty years has championed the cause of constitutional freedom, and so be brought personally in touch with this great struggle.
5. We must be as vigilant to protect the rights of the humblest and most despised as we are to protect our own.
6. We must be prepared. For example: When it became known that a resolution forbidding the use of public school buildings in New York City might be introduced, representatives of liberal and labor groups, civic and religious bodies appeared before the Board of Education to protest such a ruling. The result is that the resolution has not been reported out of committee.
7. We must bear witness. In response to an invitation from the steel workers, the Chicago Federation of Churches sent representatives to witness the parade before the Republic Steel Company's South Chicago plant, May 30, 1937, at which ten men were killed. A week later these representatives reported to a Citizens Mass Meeting at the Chicago Civic Opera House. Later these witnesses appeared before the LaFollette Civil Liberties Committee in the United States Senate Hearings.

FREEDOM TODAY: A Selected Reading List

Liberty To-Day, by C. E. M. Joad. Dutton, 1936, 216 pp., \$1.50

Mr. Joad shows how the ideal of political liberty has been attacked in modern Europe and sets forth his ideas of how this ideal may be defended.

Liberty, by Everett Dean Martin. Norton, 1930, 307 pp., \$3.00

"An urban plea for the faith of the inner spirit, appropriately illustrated with historical, philosophical and practical lore."

On Liberty, by John Stuart Mill. Ticknow and Fields, 1868

Freedom of Speech, by Zechariah Chafee. Harcourt, 1921, 400 pp., \$3.00

Standard work on law and facts during and just after the World War.

Areopagitica, by John Milton. Macmillan, 1937

The Dissenting Opinions of Mr. Justice Holmes. Vanguard, 1929, 314 pp., \$4.50

Opinions of a legal pioneer in liberal thought who had extraordinary knowledge of the workings of social and economic forces.

The Social and Economic Views of Mr. Justice Brandeis. Vanguard, 1930, 419 pp., \$4.50

"... A philosophy of civilization as envisaged by the brilliant intellect of one whose years of active struggle in the social welter give him the right to speak."—L. M. POPE

Let Freedom Ring! Office of Education. Washington, D. C., 1937, 379 pp., 60c.

Scripts of 13 national radio broadcasts. "In *Let Freedom Ring!* you will find the courage, the struggle, the triumph of the men and women who fought to win and safeguard the civil liberties expressed in the Bill of Rights.

You Can't Do That, by George Seldes. Modern Age Books, Inc., 1938, 300 pp., 50c.

A vivid up-to-date story of restrictions on civil liberties with an analysis of opposing and defending forces.

Labor Spy Racket, by Leo Huberman. Modern Age Books, Inc., 1937, 216 pp., 25c.

Condensation of the testimony before the LaFollette Civil Liberties Committee on the Violation of Free Speech and the Rights of Labor

Eternal Vigilance. American Civil Liberties Union, 1938 96 pp.

The story of Civil Liberty, 1937-38. One of the many indispensable pamphlets issued by the American Civil Liberties Union, 31 Union Sq. West, New York, N. Y. Write for the complete list.

"Those who won our independence believed that the final end of the State was to make men free to develop their faculties, and that in its government the deliberative forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed liberty to be the secret of happiness and courage to be the secret of liberty. They believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would be futile; that with them, discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American Government. They recognized the risks to which all human institutions are subject. But they knew that order cannot be secured merely through fear of punishment for its infraction; that it is hazardous to discourage thought, hope, and imagination; that fear breeds repression; that the path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies; and that the fitting remedy for evil counsels is good ones. Believing in the power of reason as applied through public discussion, they eschewed silence coerced by law—the argument of force in its worst form. Recognizing the occasional tyrannies of governing majorities, they amended the Constitution so that free speech and assembly should be guaranteed." (Louis D. Brandeis, Concurring Opinion, *Whitney v. Calif.*, 1927)